

**REMARKS**

The status of the claims is as follows:

Claims amended	:	1, 3-8, 10
Claims retained as is	:	2, 9
Claims cancelled	:	none
Claims added	:	11-15
Claims now in application	:	1-15

Claims 1-15 are pending in the present application. The drawings, the specification and the claims are objected to for minor informalities. Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph as indefinite. Claims 1, 2 and 6-8 are rejected under 35 U.S.C. §102(b) as anticipated by Shimizu, U.S. Patent No. 5,862,229. Claims 9-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu. Claims 3-5 are rejected under 35 U.S.C. §103(a) as obvious over Shimizu in view of Kawamoto, U.S. Patent No. 6,361,439 and further in view of Muehle et al. U.S. Patent No. 5,980,254.

**Objection to the Drawings**

The Examiner objects to Fig. 6B for not including a reference designator. Fig. 6B is amended to include such a reference designator. Accordingly, it is respectfully requested that all objections to the drawings be withdrawn.

**Objection to the Specification**

The Examiner objects to the specification for minor informalities. The specification is amended as suggested by the Examiner. No new matter is entered. Accordingly, it is respectfully requested that all objections to the specification be withdrawn.

**Objection to the Claims**

The Examiner object to claims 6 and 10 for minor informalities. These claims are amended as suggested by the Examiner. Accordingly, it is respectfully requested that all objections to the claims be withdrawn.

**Rejections Under 35 U.S.C. §112, Second Paragraph**

The Examiner rejects claims 1-10 under 35 U.S.C. §112, second paragraph as indefinite. Claims are amended, as necessary, to overcome these rejections. Accordingly, it is respectfully requested that all rejections under 35 U.S.C. §112, second paragraph be withdrawn.

**Rejections Under 35 U.S.C. §102(b) and §103(a)**

The Examiner rejects claims 1-10 based on art. Applicant respectfully traverses these rejections. The Manual for Patent Examining Procedure sets forth the standard for rejecting a claim under 35 U.S.C. §102(b) as follows:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP §§ 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP §§ 2131.01.

The independent claim is not anticipated. Independent claim 1 recites, in part:

wherein the sound control unit causes a sound to be outputted from the first sound generator when the attacking position is greater than the threshold value of distance while causing it to be outputted from

the second sound generator when the attacking position is less than the threshold value of distance.

This limitation is not taught by the cited art. According to claim 1, a sound control unit selects a sound generating source for generation of the sound between a first sound generator and a second sound generator in accordance with a distance between an enemy attack point and a viewing point. The first sound generator 12 generates a sound when the distance is shorter than a threshold value of distance. For instance, when an attacking point is closer to the viewing point (corresponding to a player's position), the second sound generator 21 generates a sound whereas when the attacking point is further away from the viewing point, then the first sound generator 12 generates a sound.

However, in the Shimizu reference discloses the detection of the relative position of a sound generating source with respect to the viewing position and generation of the realistic sound by changing the volumes of left and right speakers and by setting the time delay of the generation of sound from the left and right speakers. However, Shimuzu does not disclose the feature recited in claim 1, namely detection of the distance between the enemy attacking point and the viewing point and selection of the sound generating sources between the first sound generator and the second sound generator in accordance with the detected distance (whether said distance is greater or shorter than a threshold value).

Shimizu in column 7, along with Figs. 2 and 3 describes a state of sound generation from left and right speakers with a sound generating object moving from L position to R position along a semicircular path, having a radius  $r$ . For instance, when the sound generating object is at a L position in Fig. 2, a left speaker is set at full generation of sound while a right speaker is set at a "0" level of sound. When the sound generating object is at a R position in Fig. 2, a right speaker is set at a full generation of sound while a left speaker is set at "0" level. At these two positions, the distance between the sound generating object and the viewing point is kept constant. However, speaker selection changes. Thus, in the cited reference, the choice of speaker is not dependent on distance, whereas sound generating source selection is dependent on distance in the present invention.

Figs. 2 and 4 describe the mode in which the sound volume is controlled using some amount of delay which simulates a 3D game scene. Again the sound generating object moves along a semi-circular path from L position to R position as shown in Fig. 2.

Furthermore, with regard to claim 6, the cited art fails to detect the position of the head of the object. The Examiner refers to Shimizu, column 3, lines 48-62 for teaching this feature. This passage, however, only teaches movement of the line of sight virtual camera in synchronization with the movement of the line of

sight of the hero character, in some cases, when the hero character moves. The cited passage fails to include any mention of the detection of the head.

Accordingly, as the cited art fails to teach or suggest the claimed limitations, it is respectfully requested that all rejections under 35 U.S.C. §102(b) and §103(a) be withdrawn.

#### **Newly Added Claims**

It is respectfully submitted that newly added claims 11-13 are allowable over the cited art for their dependency on claim 1, discussed above. It is also respectfully submitted that claims 14 and 15 are allowable over the cited art for reciting limitations similar to claim 1, discussed above. Furthermore, claim 15 recites a head detecting unit similar to the feature in claim 6, discussed above.

#### **Fees**

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$110.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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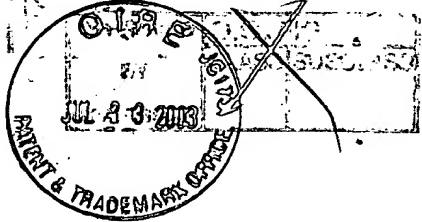


FIG.6A

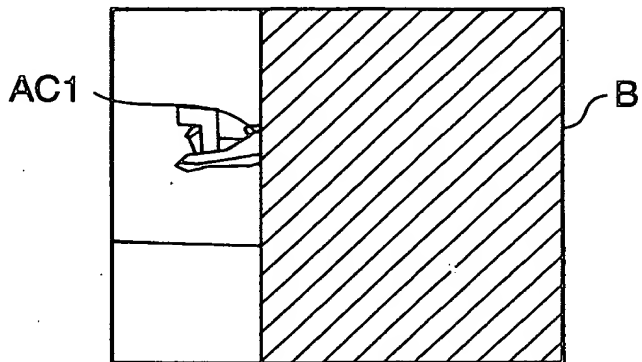


FIG.6B

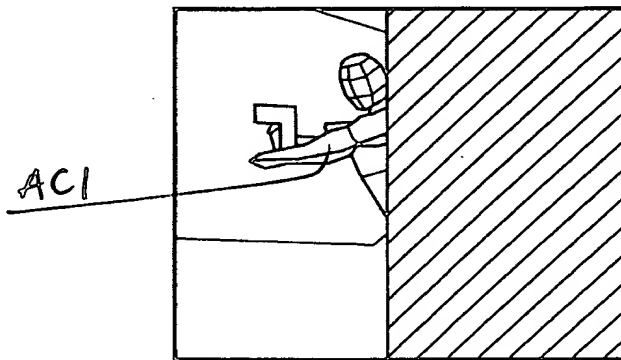


FIG.6C

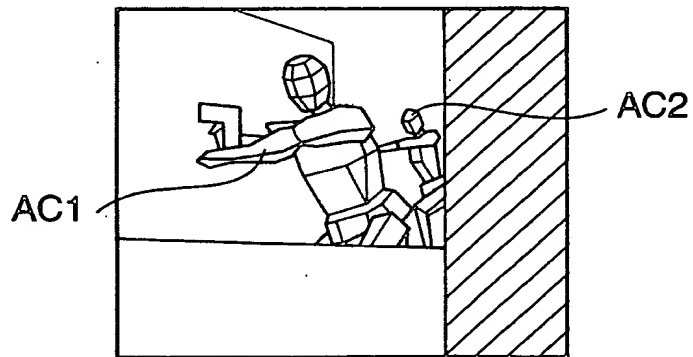


FIG.6D

